
T H E

C R I S I S.

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DURING THE PRESENT BLOODY CIVIL WAR IN AMERICA.

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For the C R I S I S,



S the present government of England, under his piratical Majesty GEORGE the THIRD, his Blood Thirsty Parliament and Ministers, is by much the worst in Europe, or perhaps the World, it may not be amiss to shew what all Governments ought to be.

All government, under whatsoever form they are administered, ought to be administered for the good of the society; when they are otherwise administered, they cease to be government, and become usurpation. This being the end of all government, even the most despotic have this limitation to their authority: in this respect, the only difference between the most absolute princes and limited magistrates, is, that in free governments there are checks and restraints appointed

appointed and expressed in the constitution itself: in despotic governments, the people submit themselves to the prudence and discretion of the Prince alone; but there is still this tacit condition annexed to his power, that he must act by the unwritten laws of discretion and prudence, and employ it for the sole interest of the people, who give it to him, or suffer him to enjoy it, which they ever do for their own sakes.

Even in the most free governments, single men are often trusted with discretionary power: but they must answer for that discretion to those that trust them. Generals of armies and admirals of fleets have often unlimited commissions? and yet are they not answerable for the prudent execution of those commissions? the council of ten, in Venice, have absolute power over the liberty and life of every man in the state; but if they should make use of that power to slaughter, abolish, or enslave the senate; would it not be lawful for those who gave them that authority, for other ends, to put those ten unlimited traitors to death, any way they could? the crown of England has been for the most part entrusted, with the sole disposal of the money given for the civil list, often with the application of great sums raised for other public uses, yet, if the lord treasurer had applied this money to the dishonour of the king, and ruin of the people, though by the private direction of the crown itself, will any man say that he ought not to have compensated for his crime, by the loss of his head and his estate.

I have said thus much, to shew that no government can be absolute in the sense, or rather nonsense, of our modern dogmatizers, and indeed in the sense too commonly practised. No barbarous conquest; no extorted consent of miserable people, submitting to the chain, to escape the sword; no repeated and hereditary acts of cruelty, though called succession; no continuation of violence, though named prescription; can alter, much less abrogate, these fundamental principles of government itself, or make the means of preservation the means of destruction, and render the condition of mankind infinitely more miserable than that of the beast of the field, by the sole privilege of that reason which distinguishes them from the brute creation.

For

For it can give no title but to revenge, and to the use of force again; nor could it ever enter into the heart of any man, to give to another power over him, for any other end but to be exercised for his own advantage: and if there are any men mad or foolish enough to pretend to do otherwise, they ought to be treated as idiots or lunatics, and the reason of their conduct must be derived from their folly and frenzy.

All men are born free; liberty is a gift which they receive from God himself; nor can they alienate the same by consent, though it is possible they may forfeit it by crimes. No man has power over his own life; or to dispose of his own religion; and cannot consequently transfer the power of either of them to any body else: much less can he give away the lives and liberties, religion or acquired property of his posterity, who will be born as free as he himself was born, and can never be bound by his wicked and ridiculous bargain.

The right of the magistrate arises only from the right of private men to defend themselves to repel injuries, and to punish those who commit them, that right being conveyed by the society to their public representative, he can execute the same no further than the benefit and security of that society requires he should. When he exceeds his commission, his acts are extrajudicial, as are those of any private officer, usurping an unlawful authority, that is, they are void; and every man is answerable for the wrong which he does. A power to do good can never become a warrant for doing evil.

But here arises a grand question, which has perplexed and puzzled the greatest part of mankind: yet, I think, the answer to it easy and obvious. The question is, who shall be judge whether the magistrate acts justly, and pursues his trust? to this it is justly said, that if those who complain of him are to judge him, then there is a settled authority above the chief magistrate, which authority must be itself the chief magistrate; which is contrary to the supposition; and the same question and difficulty will recur again upon this new magistracy. All this I own to be absurd; and I aver it at least to be as absurd to affirm, that the person accused is to be the decisive judge of his own actions, when it is certain that he will always determine in his own
favour

favour; and thus the whole race of mankind, will be left helpless under the heaviest injustice, oppression and misery, that can afflict human nature.

But if neither magistrates, nor they who complain of magistrates, and are aggrieved by them, have a right to determine decisively, the one for the other; and if there be no common established power, to which both are subject; then every man interested in the success of the contest, must act according to the light and dictates of his own conscience, and inform it as well as he can.

If the senate and people of Rome had differed irreconcilably, there could have been no common judge in the world between them; and consequently no remedy but the last; for that government consisting in the union of the nobles and the people, when they differed no man could determine between them; and therefore every man must have been at liberty to provide for his own security, and the general good in the best manner he was able. In that case the common judge ceasing, every one was his own; the government becoming incapable of acting, suffered a political demise: the constitution was dissolved, and there being no government, the people were in the state of nature again.

The same must be true, where two absolute princes, governing a country, come to a quarrel, as sometimes two Cæsars in partnership did, especially towards the latter end of the Roman Empire; or where a sovereign council govern a country, and their votes come equally to be divided. In such a circumstance, every man must take that side which he thinks must be for the public good, or chuse any proper measures for his own security; for, if I owe my allegiance to two princes agreeing or to the majority of a council; when between these princes there is no longer any union, nor in that council any majority. no submission can be due to that which is not; and the laws of nature and self-preservation must take place, where there are no other.

Now I would fain know, why private men may not as well use their judgment in an instance that concerns them more; I mean that

of a tyrannical government, of which they hourly feel the sad effects, and sorrowful proofs; whereas they are not by far the equal means of coming to a certainty about the natural incapacity of their governors. The persons of great princes are known but to few of their subjects and their parts to much fewer, and several princes have by management of their wives or ministers, or murderers reigned a good while after they were dead.

In Poland, according to the constitution of that country, it is necessary, we are told, that in their diets, the consent of every man present must be had to make a resolve effectual: and therefore, to prevent the cutting of people's throats, they have no remedy to cut the throats of one another; that is, they must pull out their sabres, and force the refractory members (who are always the minority) to submit. And amongst us in England, where a jury cannot agree, there can be no verdict; and so they must fast till they do, or till one of them is dead, and then the jury is dissolved.

This, from the nature of things themselves, must be the constant case in all disputes between dominion and property. Where the interest of the governors and that of the governed clash, there can be no stated judge between them: to appeal to a sovereign power, is to give up the sovereignty; for either side to submit, is give up the question, and therefore, if they themselves do not amicably determine the dispute between themselves, Heaven alone must. In such case recourse must be had to the first cause of government itself.

Suppose, for example, the grand monarch as he is called, had bought a neighbouring kingdom, and all the lands in it, from the courtiers, and the majority of the peoples deputies; and the church lands into the bargain, with the consent of their convocation or synod, or by what other name that assembly was called; would the people and clergy have thought themselves obliged to have made good this bargain, if they could have helped it? I dare say that neither would; but on the contrary, that the people would have had the countenance of these reverend patriots to have told their representatives in round terms, that they were chosen to act for the interest of those that sent them, and not for their own; that their power was given them to protect and defend their country, and not to sell and enslave it.

Thus

This supposition, as wild as it seems, yet is not absolutely and universally impossible. King John actually sold the kingdom of England to his holiness : and there are people in all nations ready to sell their country at home ; and such can never have any principles to withhold them from selling it abroad.

Obedience to authority is so well secured, that it is wild to imagine that any number of men, formidable enough to disturb a settled state, can unite together, and hope to overturn it, till the public grievances are so enormous, the oppression so great, and the disaffection so universal, that there can be no question remaining, whether their calamities be real or imaginary, and whether the magistrate has protected or endeavoured to destroy his people.

Upon this principle of people's judging for themselves, and resisting lawless force, stands our late happy revolution, and with it the *just and rightful title of our most excellent Grand Seigneur King George*, to the scepter of these realms ; a scepter which his predecessors swayed to their own honour, and the honour, protection, and prosperity of the People.

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